

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

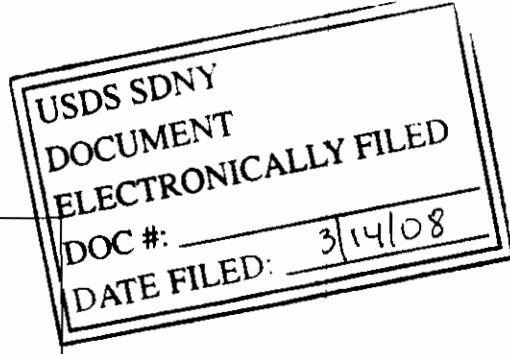
RICHARD ELLO,

Plaintiff,

-v-

ISHRI SINGH, *et al.*,

Defendants.



No. 05 Civ. 9625 (RJS)  
ORDER

RICHARD J. SULLIVAN, District Judge:

WHEREAS, on November 8, 2007, the Honorable Kenneth M. Karas, District Judge, issued an opinion in this case denying in part and granting in part Plaintiff's request to amend the complaint in this action, and giving Plaintiff thirty days to amend the complaint consistent with that Order;

WHEREAS, Plaintiff did not file an amended complaint within thirty days of that order;

WHEREAS this Court issued an Order on January 14, 2008 granting Plaintiff's request to file a motion for reconsideration of Judge Karas' November 8, 2007 opinion and/or to move for an extension of time in which to file the amended complaint, provided those motions were filed no later than February 8, 2008;

WHEREAS, on February 8, 2008, this Court denied Plaintiff's request for a one-week extension of the filing deadline, but extended the deadline for filing of the motions to February 11, 2008;

WHEREAS, no motions were filed by Plaintiff on February 11, 2008 or have been filed since that date;

WHEREAS, the Court is in receipt of a letter from the Union Defendants, dated March 6, 2008, in which the Union Defendants renew their request for permission to file a motion to dismiss the case for failure to prosecute;

WHEREAS, the Court has received no response to the Union Defendants' letter from Plaintiff as of the date of this Order;

IT IS HEREBY ORDERED that Plaintiff's time to move for reconsideration of Judge Karas' November 8, 2007 opinion and/or move for an extension of time in which to file an amended complaint has expired. Plaintiff shall not be permitted to amend his complaint further nor to move for reconsideration of Judge Karas' opinion.

IT IS FURTHER ORDERED that the Union Defendants' request to file a motion to dismiss for failure to prosecute is again denied as premature, without prejudice to renewal of the request at a later point in the proceedings.

IT IS FURTHER ORDERED that the case shall proceed on the First Amended Complaint, filed on February 9, 2006 and located at Document No. 33 on the docket, except that, consistent with Judge Karas' opinion, the defamation claim against defendant Singh shall not go forward. Defendants shall have until April 4, 2008 to respond to the First Amended Complaint, either by filing an answer, or by submitting a pre-motion letter, consistent with the Individual Practices of the undersigned, outlining any requests to file pre-answer motions.

Plaintiff is instructed that future failure to comply with orders of this Court may result in

dismissal of the case pursuant to Rule 41 of the Federal Rules of Civil Procedure.

SO ORDERED.

Dated: March 13, 2008  
New York, New York



RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE